IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 4686 of 2002

For Approval and Signature:

Hon'ble MR.JUSTICE P.B.MAJMUDAR

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1. Whether Reporters of Local Papers may be allowed to see the judgement? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

GORDHANBHAI @ CHIMAN MOTIBHAI PATEL

Versus

REGIONAL PASSPORT

Appearance:

MR MURALI N DEVNANI for the Petitioner.

MR DN PATEL for the Respondent.

CORAM : MR.JUSTICE P.B.MAJMUDAR

Date of decision: 09/05/2002

ORAL JUDGEMENT

Rule. Mr.N.J. Shah, for Mr.D.N. Patel, waives service of rule on behalf of the respondent.

With the consent of the parties, the matter is taken up for hearing today.

The petitioner applied for a passport and that application is pending. In the said application, he has shown the birth date as 5.9.1941, which, according to him, is based upon the Birth Certificate. But, according to the petitioner, there is a difference in the birth date mentioned in the School Leaving Certificate and the Birth Certificate. Therefore, it is prayed that the authority may take into consideration the Date of Birth mentioned in the Birth Certificate issued to the petitioner while issuing the passport. However, the petitioner has made representation subsequently to the authority and according to him, the authority should consider the date of birth mentioned in the Birth Certificate. Since the application is pending with the Authority, this Court is not required to express any opinion.

Considering the facts and circumstances of the case, the Authority is directed to decide the application of the petitioner, which is pending before the Authority. The Authority may decide the application of the petitioner for entering the correct birth date in accordance with law and as per the Rules, and after considering the necessary evidence on record, may pass appropriate orders in accordance with law. From the evidence on record, if the Authority is satisfied that the grievance of the petitioner is justified and the correct birth date of the petitioner is 5.9.1941, then necessary orders correcting the entry may be passed and on that basis, passport with the correct birth date may be given to the petitioner. However, it is for the authority to appreciate the evidence and to pass appropriate order in accordance with law. The decision may be taken expeditiously.

The petition is accordingly allowed. Rule is made absolute to the aforesaid extent, with no order as to costs.

Direct service is permitted.

9th May, 2002 (P.B. Majmudar, J.)

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(apj)